



Thursday, January 11, 2007

Back Print

Public Hearings and Possible Actions
RECOMMENDATION FOR COUNCIL ACTION

ITEM No. 84

Subject: Conduct a public hearing and consider action on an appeal by Gloria Moreno of the Planning Commission's decision to grant a waiver to the compatibility setback for the Ends on Sixth, located at 2608 East 6th Street, to allow a driveway within 25 feet of a single-family lot (Site Plan Number. SP-06-0318C)

Fiscal Note: There is no anticipated fiscal impact. A fiscal note is not required.

**Additional Backup
Material**

(click to open)

[Site Plan Waiver
Request Review Sheet
and Site Plan Appeal](#)

For More Information: George Zapalac, 974-2725, Sue Welch, 974-3294

Boards and Commission Action: Recommended by the Planning Commission.

The Ends on Sixth is a proposed 8-unit multi-family residential building with parking, detention, and other associated improvements. The development is taking access from the alley which runs along the north side of the property. The property across the alley is zoned and used as a single family residence. The applicant is requesting a waiver from the Land Development Code Section 25-2-1067 to construct a parking area or driveway that is 25 feet or less from a lot that is zoned or used SF-5 or more restrictive.

There are two proposed driveways accessing the alleyway, which would serve four residential units. The alley is approximately 15 feet wide, and the driveway encroaches by 10 feet into the 25-foot compatibility setback. The applicant has agreed to upgrade the alleyway the full length of their property line and has proposed a wooden privacy fence along the north side of the alley, adjacent to the single family residences. This will provide additional buffering and screening for the residences.

Staff recommended the waiver because the project is consistent with the objective of the Holly Neighborhood Plan to provide a diversity of housing options through the development of multi-family housing that is in keeping with the character of the neighborhood. In addition, two of the existing single-family residences which occupy the property already take access to the alley.

The Planning Commission heard the case and approved the waiver on October 24, 2006 (6-2). Gloria Moreno, neighborhood representative, is appealing the Commission's approval on the basis that this request does not meet the zoning requirements.

SITE PLAN WAIVER REQUEST REVIEW SHEET

CASE: SP-06-0318C

PC DATE: October 24, 2006

PROJECT NAME: Ends on Sixth

ADDRESS OF SITE: 2608 E. 6th

COUNTY: Travis

AREA: 598 acres

WATERSHED: Boggy (Suburban)

JURISDICTION: Full Purpose

APPLICANT: The Cobalt Companies, LLC (Matt McCormick)
1010 Land Creek Cove, Suite 150
Austin, Texas 78746
(512) 289-4175

AGENT: Jim Bennett for Mauricio Quintero-Rangel
11312 Robert Wooding Drive
Austin, Texas 78748
(512) 659-4386

EXISTING ZONING: MF-2-NP

NP: Holly Neighborhood Plan

PROPOSED DEVELOPMENT:

The applicant is proposing a multi-family residential building with parking, detention, and other associated improvements. The development is taking access to the alleyway. Across the alley, the property is zoned and used as single family

DESCRIPTION OF WAIVERS:

Waiver requests are as follows

1. LDC Section 25-2-1067(G) Unless a parking area or driveway is on a site that is less than 125 feet wide, a parking area or driveway may not be constructed 25 feet or less from a lot that is. (1) in an SF-5 or more restrictive zoning district; or (2) on which a use permitted in an SF-5 or more restrictive zoning district is located.

DEPARTMENT COMMENTS:

The subject site is located within the Boggy Creek watershed, which is classified as a Suburban Watershed, and is in the City of Austin's Full Purpose jurisdiction within the Desired Development Zone (DDZ). The abutting tracts to the north of the site are zoned SF-3-NP. The proposed development did not require a TIA. There are no critical environmental features

2

LDC Section 25-2-1067(G)

The applicant is requesting a waiver from LDC Section 25-2-1067(G) to reduce the Design Regulation requirement from 25 feet to 6 feet for a parking area or driveway from a lot that is (1) in an SF-5 or more restrictive zoning district, or (2) on which a use permitted in an SF-5 or more restrictive zoning district is located

There are two proposed driveways accessing the alleyway, which would serve four residential units. The alley is approximately 15 feet wide and the driveway slightly encroaches by 10' into the 25' compatibility setback. The applicant has agreed to upgrade the alleyway the full length of their property line, as well as a proposed a wooden privacy fence along the northern-side boundary, adjacent to single family residence. This will provide additional buffering and screening for the adjacent single-family property. One objective with the neighborhood plan was to provide a diversity of housing options through the development of multi-family housing that is in keeping with the character of the neighborhood.

This administrative site plan will comply with all other requirements of the Land Development Code prior to its release. Staff recommends approval of the waiver.

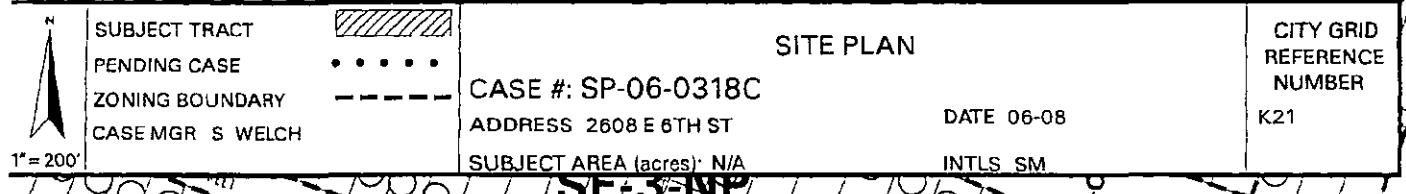
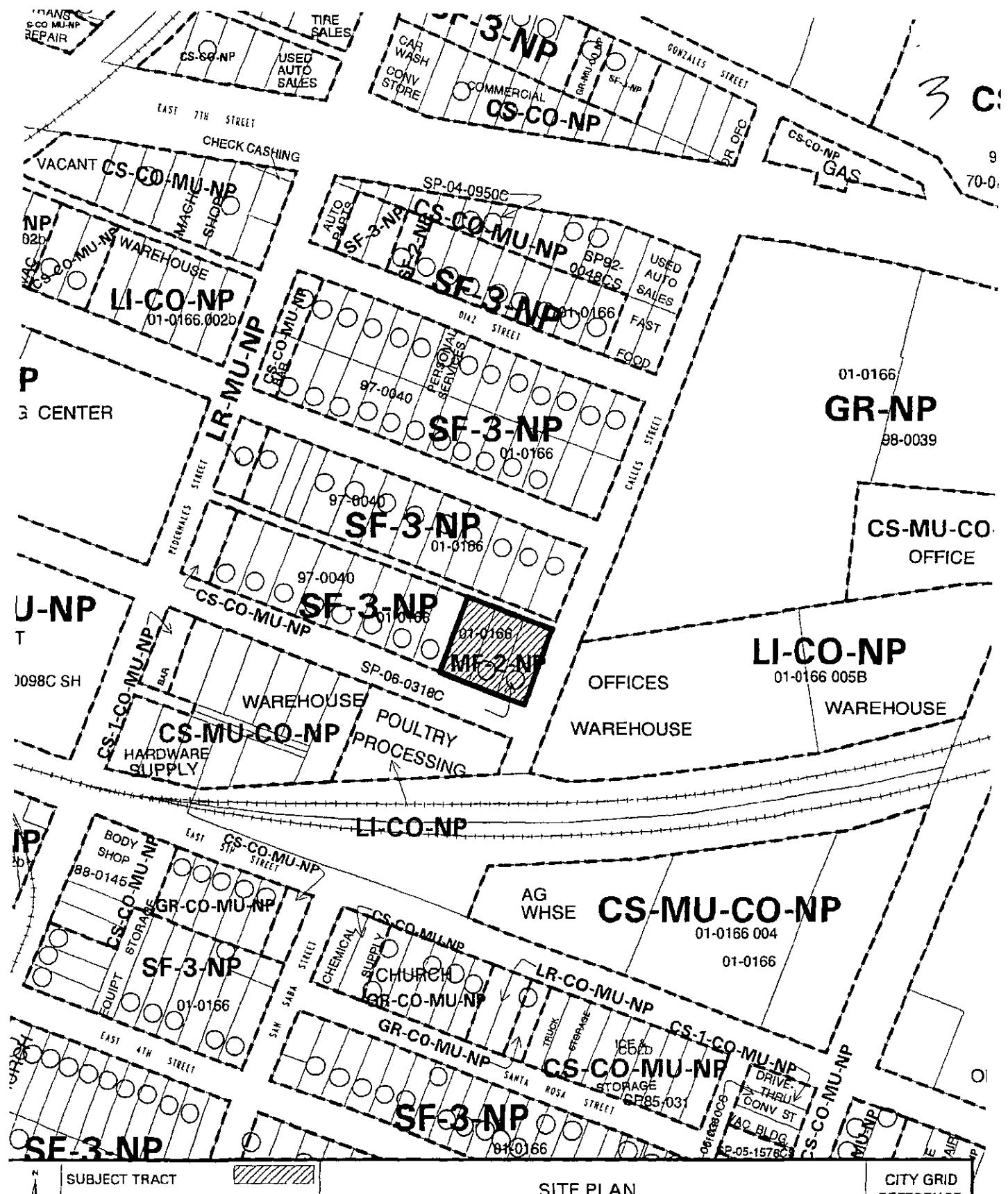
SUMMARY STAFF RECOMMENDATION:

- Staff recommends approval of the waiver from LDC Section 25-2-1067(G) to reduce the Compatibility Setback requirement from 25 feet to 15 feet from adjacent SF-3 zoned property for a parking area or driveway.

PLANNING COMMISSION ACTION:

CASE MANAGER: Sue Welch
Sue.welch@ci.austin.tx.us

PHONE: 974-3294



Mauricio Quintero-Rangel, P.E.

11312 Robert Wooding Drive
Austin, Texas 78748

Tel 512-459-4386
Fax 512-291-8714

October 6, 2006

Sue Welch
Watershed Protection and Development Review
City of Austin
PO Box 1088
Austin, TX 78767

Re ***The Ends on Sixth***
2608 E 6th Street, Austin, Texas
SP-06-0318C
Driveway location Waiver Request Letter (LDC 25-2-1067)

Ms. Welch,

I would like to request a waiver to the requirement on LDC 25-2-1067 (G) stating the following

Unless a parking area or driveway is on a site that is less than 125 feet wide, a parking area or driveway may not be constructed 25 feet or less from a lot that is

- (1) *in an SF-5 or more restrictive zoning district, or*
- (2) *on which a use permitted in an SF-5 or more restrictive zoning district is located.*

The requested waiver applies to the two proposed driveways accessing the alley. This proposed driveways will be serving 2 residential units each, and traffic will be limited to residential use. The compatibility driveway setback required on the LDC applies more to a driveway accessing a commercial parking lot that contains numerous parking spaces and has commercial traffic such as delivery trucks, trash collector truck, fire trucks etc. The proposed driveways on this project will be serving 4 residential units. Each residential unit will have 1 enclosed parking space and 1 parking space on the driveway (25' away from residential zoning).

The proposed parking configuration has been designed to be more neighborhood friendly and no commercial parking lot is proposed for this development.

The waiver is required because the alley right of way is only 15' wide and the proposed driveways are having access from the alley, shall the alley be 25' wide, the waiver would have not been necessary

The owner has contacted several property owners within 300 feet of the development and have gotten approval in writing and verbally for this development accessing the alley

Your favorable consideration is appreciated, Should you have any questions, please contact me at (512) 659-4386.

Sincerely,

Mauricio Quintero-Rangel, P.E.
cc file



10/06/06

4



current alley conditions

PUBLIC HEARING INFORMATION

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- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*), or
- appearing and speaking for the record at the public hearing,

- and
- occupies a primary residence that is within 500 feet of the subject property or proposed development,
 - is the record owner of property within 500 feet of the subject property or proposed development, or
 - is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice), before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: SP-06-0318C

Contact: Sue Welch, (512) 974-3294
Public Hearing:

October 24, 2006 Planning Commission

Joan Aycox
Your Name (please print)

2604 E 6th Austin Tx 78702
Your address(es) affected by this application


Signature

Date

Comments _____

2006 Oct 23 FM01:54:10

If you use this form to comment, it may be returned to

City of Austin
Watershed Protection and Development Review Department
Sue Welch
P O Box 1088
Austin, TX 78767-8810

6 feet (next door)

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Case Number: SP-06-0318C
Contact: Sue Welch, (512) 974-3294

Public Hearing:

October 24, 2006 Planning Commission

<input type="checkbox"/> I am in favor
<input type="checkbox"/> I object

JAMES PHAM
Your Name (please print)

2609 Highland St
Your address(es) affected by this application

Sue Welch
Signature

Date

Comments:

2006 DCI 23 P#01:54:41

If you use this form to comment, it may be returned to:
City of Austin
Watershed Protection and Development Review Department
Sue Welch
P O Box 1088
Austin, TX 78767-8810

cc

2007-6-20

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Case Number: SP-06-0318C

Contact: Sue Welch, (512) 974-3294
Public Hearing:

October 24, 2006 Planning Commission

Sue Welch /E.R.M.W./
Your Name (please print)

Sue Welch S.T.

Your address(es) affected by this application

Sue Welch /E.R.M.W./
Signature _____ Date _____

Comments _____

I am in favor
 I object

If you use this form to comment, it may be returned to

City of Austin
Watershed Protection and Development Review Department
Sue Welch
P O Box 1088
Austin, TX 78767-8810

2

105 feet

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Case Number: SP-06-0318C

Contact: Sue Welch, (512) 974-3294

Public Hearing:

October 24, 2006 Planning Commission

Arthur G. Soto

Your Name (please print)

Sue Welch

Your address(es) affected by this application

100 E. 13th Street

Signature

Date

Comments _____

I am in favor
 I object

10.12.06

If you use this form to comment, it may be returned to

City of Austin
Watershed Protection and Development Review Department

Sue Welch
P O Box 1088
Austin, TX 78767-8810

2006 Oct 23 FRI 1:54:47

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2006 Oct 23 FRI 1:54:47

PUBLIC HEARING INFORMATION

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Case Number: SP-06-0318C

Contact: Sue Welch. (512) 974-3294

Public Hearing:

October 24, 2006 Planning Commission

CLARENCE MARTINEZ, JR

Your Name (please print)

2604 HD ALCO ST

Your address(es) affected by this application

Florence Martinez Jr

Signature

Date

Comments _____

I am in favor

I object

10-21-06

2006
Sept

PUBLIC HEARING INFORMATION

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Case Number: SP-06-0318C

Contact: Sue Welch, (512) 974-3294
Public Hearing:

October 24, 2006 Planning Commission

Alaryn Handres

Your Name (please print)

2508 E 6th St

Your address(es) affected by this application

Alaryn Handres

Signature

Date

Comments _____

I am in favor
 I object

10-22-06

If you use this form to comment, it may be returned to

City of Austin
Watershed Protection and Development Review Department
Sue Welch
P O Box 1088
Austin, TX 78767-8810

N

210 feet

PUBLIC HEARING INFORMATION

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Case Number: SP-06-0318C

Contact: Sue Welch, (512) 974-3294

Public Hearing:

October 24, 2006 Planning Commission

Alex Vasquez

Your Name (please print)

ZS (O Hidalgo

Your address(es) affected by this application

Sue Welch

Signature

Date

Comments

2006 OCT 21 2006

I am in favor
 I object

If you use this form to comment, it may be returned to
City of Austin
Watershed Protection and Development Review Department
Sue Welch
P. O Box 1088
Austin, TX 78767-8810

V
NC 64

PUBLIC HEARING INFORMATION

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Case Number: SP-06-0318C

Contact: Sue Welch, (512) 974-3294
Public Hearing:

October 24, 2006 Planning Commission

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I object

Carlos Arellano
2504 Leathers Ct
Austin, TX 78704

Your Name (please print)

Your address(es) affected by this application

Signature _____ Date _____

Comments: _____

2006 OCT 23 PM01:54:32

If you use this form to comment, it may be returned to

City of Austin
Watershed Protection and Development Review Department
Sue Welch
P. O. Box 1088
Austin, TX 78767-8810

310 file #

TC

PUBLIC HEARING INFORMATION

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Case Number: SP-06-0318C
Contact: Sue Welch, (512) 974-3294

Public Hearing:

October 24, 2006 Planning Commission

I am in favor
 Object

Joe A. Prado

Your Name (please print)

2508 Michael St

Your address(es) affected by this application

Sue Welch

Signature

Date

Comments

2006 OCT 23 PM01:55:34

If you use this form to comment, it may be returned to

City of Austin
Watershed Protection and Development Review Department
Sue Welch
P. O. Box 1088
Austin, TX 78767-8810

2 from this activity. 315 feet

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*), or
- appearing and speaking for the record at the public hearing,

and

- occupies a primary residence that is within 500 feet of the subject property or proposed development,
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: SP-06-0318C
Public Hearing:

October 24, 2006 Planning Commission

Rogelio Molina
Your Name (please print)

Comments _____

Signature _____

I am in favor
 I object

2508 Hidalgo
Rogelio Molina
10-21-06

Your address(es) affected by this application

Comments _____
Signature _____
Date _____

2406-061-23#01.55.08

If you use this form to comment, it may be returned to

City of Austin
Watershed Protection and Development Review Department
Sue Welch
P O Box 1088
Austin, TX 78767-8810

lot 2 from this address

PUBLIC HEARING INFORMATION

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- appearing and speaking for the record at the public hearing,

and

- occupies a primary residence that is within 500 feet of the subject property or proposed development
- is the record owner of property within 500 feet of the subject property
- is proposed development, or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development

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Case Number: SP-06-0318C

Contact: Sue Welch, (512) 974-3294
Public Hearing:

October 24, 2006 Planning Commission

Albert Welch

Your Name (please print)

2506 1/1.09/06

Your address(es) affected by this application

Albert Welch

Signature

Date

Comments _____

I am in favor

Object

10-26-06

If you use this form to comment, it may be returned to

City of Austin
Watershed Protection and Development Review Department
Sue Welch
P O Box 1088
Austin, TX 78767-8810

545 feet

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and occupies a primary residence that is within 500 feet of the subject property or proposed development.

- is the record owner of property within 500 feet of the subject property or proposed development, or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development

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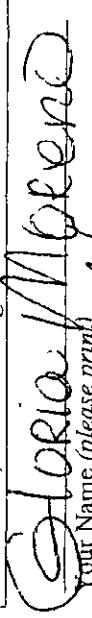
For additional information on the City of Austin's land development process visit our web site www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: SP-06-0318C
Contact: Sue Welch, (512) 974-3294

Public Hearing:

October 24, 2006 Planning Commission


Gloria M. Welch
Your Name (Please print)

I am in favor
 I object

2504 Meadow St
Signature
Date

Comments _____

2006.10.23 FM01:55:25

If you use this form to comment, it may be returned to
City of Austin
Watershed Protection and Development Review Department
Sue Welch
P.O. Box 1088
Austin, TX 78767-8810


31C 4.e.e-1

PUBLIC HEARING INFORMATION

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- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*), or appearing and speaking for the record at the public hearing,
- and

- occupies a primary residence that is within 500 feet of the subject property or proposed development,
- is the record owner of property within 500 feet of the subject property or proposed development, or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development

A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

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Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: SP-06-0318C
Contact: Sue Welch, (512) 974-3294

Public Hearing:

October 24, 2006 Planning Commission

Sue Z. Gonzalez
Your Name (please print)

Signature

Your address(es) affected by this application

2604 Diagonal St.
Sue Z. Gonzalez
Signature
Date
10/23/06

Comments _____

I am in favor
 I object

✓

164 fact

If you use this form to comment, it may be returned to
City of Austin
Watershed Protection and Development Review Department
Sue Welch
P O Box 1088
Austin, TX 78767-8810



City of Austin Watershed Protection and Development Review Department
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

SITE PLAN APPEAL

If you are an applicant and/or property owner or interested party, and you wish to appeal a decision on a site plan application, the following form must be completed and filed with the Director of Watershed Protection and Development Review Department, City of Austin, at the address shown above. The deadline to file an appeal is 14 days after the decision of the Planning Commission, or 20 days after an administrative decision by the Director. If you need assistance, please contact the assigned City contact at (512) 974-2680.

CASE NO. SP-06-0318C

DATE APPEAL FILED 11-1-06

PROJECT NAME The Endless Sixth

YOUR NAME Gloria D. Mireles

PROJECT ADDRESS 2604 S. 1st St

SIGNATURE Gloria D. Mireles

APPLICANT'S NAME The Second Company

YOUR ADDRESS 2604 Highland St

CITY CONTACT Sue Weller

AUSTIN TX 78701

YOUR PHONE NO. (512) 698-6425 WORK

HOME

INTERESTED PARTY STATUS: Indicate how you qualify as an interested party who may file an appeal by the following criteria (Check one)

- I am the record property owner of the subject property
- I am the applicant or agent representing the applicant
- I communicated my interest by speaking at the Planning Commission public hearing on (date) 10-24-06
- I communicated my interest in writing to the Director or Planning Commission prior to the decision (attach copy of dated correspondence)

In addition to the above criteria, I qualify as an interested party by one of the following criteria (Check one)

- I occupy as my primary residence a dwelling located within 500 feet of the subject site.
- I am the record owner of property within 500 feet of the subject site
- I am an officer of a neighborhood or environmental organization whose declared boundaries are within 500 feet of the subject site

DECISION TO BE APPEALED*: (Check one)

- Administrative Disapproval/Interpretation of a Site Plan Date of Decision: _____
- Replacement site plan Date of Decision: _____
- Planning Commission Approval/Disapproval of a Site Plan Date of Decision 10-24-06
- Waiver or Extension Date of Decision: _____
- Planned Unit Development (PUD) Revision Date of Decision: _____
- Other: _____ Date of Decision: _____

*Administrative Approval/Disapproval of a Site Plan may only be appealed by the Applicant.

STATEMENT: Please provide a statement specifying the reason(s) you believe the decision under appeal does not comply with applicable requirements of the Land Development Code.

It doesn't meet the zoning.

(Attach additional page if necessary)

Applicable Code Section: _____